

IN RE: PETITION FOR ZONING VARIANCE
S/S Kilbride Court, 390' NE of
the c/l of Offspring Court
(9412 Kilbride Court)
11th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-476-A

David C. Rogers, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an open projection (deck) with a rear yard setback of 8.6 feet in lieu of the minimum required 11.25 feet and to permit a contiguous qualifying private yard space of 0 feet in lieu of the required 500 sq.ft., in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 9412 Kilbride Court, consists of .0466 acres zoned D.R. 5.5 and is improved with a single family townhouse dwelling. Petitioner testified he constructed a deck off the rear of the dwelling approximately three years ago without acquiring the requisite building permits. Testimony indicated Petitioners did receive approval from their Homeowners' Association prior to commencing construction. Petitioner testified that as a result of a complaint filed with the Zoning Office, they were advised to file the instant Petition in order to correct the error. Due to the size of the lot and the location of existing improvements thereon, the requested variances are necessary. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

At the hearing, Petitioners were advised to file a revised site plan indicating the proposed open deck will not be covered at a later

date. The revised plan has been received and identified as Petitioner's Exhibit A.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1990 that the Petition for Zoning Variance to permit an open projection (deck) with a rear yard setback of 8.6 feet in lieu of the minimum required 11.25 feet and to permit a contiguous qualifying private yard space of 400 sq. ft. in lieu of the required 500 sq.ft., in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 22, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David C. Rogers
9412 Kilbride Court
Perry Hall, Maryland 21128

RE: PETITION FOR ZONING VARIANCE
S/S Kilbride Court, 390' NE of the c/l of Offspring Court
(9412 Kilbride Court)
11th Election District - 5th Councilmanic District
David C. Rogers, et ux - Petitioners
Case No. 90-476-A

Dear Mr. & Mrs. Rogers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 17, 1990

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

CERTIFICATE OF PUBLICATION

May 21, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 17, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlean
Publisher

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-476-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a contiguous qualifying private yard space of zero feet in lieu of the required 500 square feet.

- 1) When the Deck was built I used the END of the concrete (having from the basement stairs as the furthest point of extension from back of house
- 2) END of Deck is 8'6" from back property line (there was no place else to put a deck)
- 3) Received Approval from Home Owners Association before starting construction.
- 4) Less than a 14' x 14' would not provide adjacent space for our growing family. Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of August, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of June, 1990, at 2:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

90-476

Date

8/20/90

Public Hearing Fees

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 5-30-90

Mr. & Mrs. David Charles Rogers
9421 Kilbride Court
Perry Hall, Maryland 21128

Re: Petition for Zoning Variance
CASE NUMBER: 90-476-A
S/S of Kilbride Court, 300'± NE of c/l of Offspring Court
9421 Kilbride Court
11th Election District - 5th Councilmanic
Petitioner(s): David Charles Rogers, et ux
HEARINGS: FRIDAY, JUNE 8, 1990 at 2:30 p.m.

Dear Petitioners:

Please be advised that \$ 69.49 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$90.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 30, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-476-A
S/S of Kilbride Court, 300'± NE of c/l of Offspring Court
9421 Kilbride Court
11th Election District - 5th Councilmanic
Petitioner(s): David Charles Rogers, et ux
HEARINGS: FRIDAY, JUNE 8, 1990 at 2:30 p.m.

Variance: To permit a one story open projection (deck) with a rear setback of 8 ft., 6 inches in lieu of the minimum required 11.25 ft. AND to permit a contiguous qualifying private yard space of zero feet in lieu of the required 500 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Rogers

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 29, 1990

Mr. & Mrs. David C. Rogers
9421 Kilbride Court
Perry Hall, MD 21128

RE: Item No. 346, Case No. 90-476-A
Petitioner: David C. Rogers, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Rogers:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
25th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: David C. Rogers, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 10, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUSJECT: David Charles Rogers, et ux, Item No. 346

The Petitioners request a Variance to rear yard setback requirements and private yard space requirements in order to construct a deck.

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

Ted Zaleski, Jr.
Director

APRIL 13, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DAVID CHARLES ROGERS
Location: #9421 KILBRIDE COURT
Item No.: 346 Zoning Agenda: APRIL 24, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C. H. Kelly, 4-17-90 Noted and Approved: W. F. Brady, Jr. 4-17-90
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 24, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 338, 343, 346, 348 and 350.

For Item 347, the previous County Review Group Comments still apply.

For Items 344 and 349, a County Review Group Meeting is required.

For Item 345, Windsor Mill Road shall be improved as a 40-foot paving section on a 60-foot right-of-way. Five (5) foot widening is required.

RWB:s

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division



